

REMARKS

The notice states that each claim has not been provided with a proper status identifier. However, Applicants contend that all claims filed with the RCE on November 1, 2007, have the proper status identifier, including claims 80 and 81 which have the status of non entered, and properly do not recite the text of the claims, as confirmed with LIE Linda Humes in a very helpful telephone conversation on January 23, 2008. To further clarify, 37 CFR 1.121(c)(4)(i) provides that no claim text shall be presented for any claim in the claim listing with the status identifier "canceled" or "not entered."

The Official Gazette Notices of 05 July 2005 further states that:

"Therefore, the Office hereby waives the provision of 37 CFR 1.121(c)(4)(i) that no claim text shall be presented for "canceled" or "not entered" claims. Accordingly, the Office will accept amendments that include the text of a canceled claim, or a not entered claim, if the amendment otherwise complies with 37 CFR 1.121, including use of the proper status identifier "canceled" or "not entered," respectively. Even though the Office will accept an amendment that includes the text of a canceled claim, or a not entered claim, applicants should comply with 37 CFR 1.121(c)(4)(i) by not providing the text of a canceled claim or a not entered claim." (emphasis added).

Accordingly, Applicant submits that the claim amendment filed with the RCE on November 1, 2007, is proper with respect to claim identifiers and text.

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Respectfully submitted,

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